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3. Carriers (§ 405 (1)*)—Regulation Requiring Value of Baggage to Be Declared Not Unreasonable.—A regulation of the Director General of Railroads under Federal Control Act (U. S. Comp. St. Ann. Supp. 1919, §§ 31153½-31143½q), requiring value of baggage to be declared, and an additional sum paid where the baggage was of greater value than \$100, was not unreasonable.

[Ed. Note.—For other cases, see 2 Va.-W. Va. Enc. Dig. 713.]

Appeal from Hustings Court, Part 2, City of Richmond.

Action by one Burnett against Walker D. Hines, Director General of Railroads. Judgment for plaintiff, and defendant appeals. Corrected and affirmed.

Geo. C. Fitzhugh, of Richmond, for appellant.

Wm. B. McIlwaine, of Petersburg, and *E. P. Cox*, of Richmond, for appellee.

HARRIS, WOODSON, BARBEE CO., Inc., v.

GWATHMEY, Clerk.

June 16, 1921.

[107 S. E. 658.]

1. Sales (§ 465*)—Conditional Sale to Partnership Need Not State Names of Partners.—Though Code 1919, § 5189, requiring a conditional sale contract to be indexed in the names of both the vendor and vendee, requires that the name of the vendee shall appear in the contract, a contract for the sale of goods to a copartnership made in the firm name and indexed under that name is sufficient, though it does not state the names of the individual partners.

[Ed. Note.—For other cases, see 10 Va.-W. Va. Enc. Dig. 827.]

2. Partnership (§ 136*)—Partners May Buy Property in Firm Name.—Even though a partnership is not a distinct entity, as is a corporation, the firm property is not the joint property of the partners, but is that of the copartnership, in which the partners have only their respective interests, subject to the liability for the copartnership debts, and the copartnership has the right to buy property in the firm name.

[Ed. Note.—For other cases, see 10 Va.-W. Va. Enc. Dig. 845.]

Error to Circuit Court of City of Norfolk.

Motion by Harris, Woodson, Barbee Company, Incorporated, against G. Tayloe Gwathmey, Clerk of the Circuit Court, to recover damages for improperly docketing a reservation of title

*For other cases see same topic and KEY-NUMBER in all Key Numbered Digests and Indexes.

contract. Judgment for defendant when his demurrer to the notice was sustained, and plaintiff brings error. Reversed.

E. W. White, F. C. Abbott, and Herbert M. Woodward, all of Norfolk, for plaintiff in error.

Jas. G. Martin, of Norfolk, for defendant in error.

MURDEN *v.* VIRGINIA RY. & POWER CO.

June 16, 1921.

[107 S. E. 660.]

1. Trial (§ 156 (3)*—By Demurrer to Evidence, Party Admits Truth of Adversary's Evidence.—By demurring to evidence, the party demurring admits truth of his adversary's evidence and all just inferences therefrom, and waives all of his own evidence in conflict therewith, and also all inferences from his own evidence, although not in conflict with demuree's, not necessarily resulting therefrom.

[Ed. Note.—For other cases, see 4 Va.-W. Va. Enc. Dig. 522.]

2. Railroads (§ 327 (8)*—Duty to Look and Listen Continuous.—The duty to look and listen before crossing a railroad track continues as long as the occasion for the exercise of such duty continues, and, if there is any point at which by looking and listening the person injured could have avoided the accident and failed to do so, he is guilty of contributory negligence.

[Ed. Note.—For other cases, see 10 Va.-W. Va. Enc. Dig. 385.]

3. Railroads (§ 327 (3)*—Pedestrian Held Guilty of Contributory Negligence.—A pedestrian, injured at a railroad crossing where there was nothing to obstruct the view and the lights were burning on defendant's car, held guilty of contributory negligence as a matter of law.

Sims, J., dissenting.

[Ed. Note.—For other cases, see 10 Va.-W. Va. Enc. Dig. 385.]

Error to Circuit Court, Norfolk County.

Action by H. H. Murden against the Virginia Railway & Power Company. Judgment for defendant, and plaintiff brings error. Affirmed.

Old & Brockenbrough and *Jas. G. Martin*, all of Norfolk, for plaintiff in error.

Williams & Tunstall, of Norfolk, for defendant in error.

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.